UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,457	04/30/2001	Jonathan C. Salas	MOON-P008	3019

38396 7590 07/07/2006	EXAMINER
JOHN BRUCKNER, P.C.	SIDDIQI, MOHAMMAD A

JOHN BRUCKNER, P.C.
5708 BACK BAY LANE
AUSTIN, TX 78739

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 March 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,5-11,14-17 and 19-22</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,5-11,14-17 and 19-22</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
      Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
      Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1, 5-11, 14-17, and 19-22 are presented for examination.

Claims 20-22 are new. Claims 2-4,12-13, and 18 have been cancelled.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and
> distinctly claiming the subject matter which the applicant regards as his invention.

3.   Regarding claim 1, a single claim which claims both an apparatus and

the method of using the apparatus is indefinite under 35 U.S.C. 112, second

paragraph, because it is unclear which category of invention is being

claimed. (Ex Parte Lyell, 17 USPQ2d 1548 (BPAI 1990)).

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

> A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5.   Claims 1, 5-11, 14-17, and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Patel et al. (6,918,113) (hereinafter Patel).

6.   As per claim 1, Patel discloses An apparatus comprising:

A client coupled, via a network, to a plurality of resources, wherein said plurality of resources is located on an application server (col 9, lines 9-29) ; and

a system configured to control access to said plurality of resources (fig 1), the system including

A database configure to store (102, fig 1, col 9, lines 50-67) a first license policy type, a second license type, a first policy instance, and a second policy instance, wherein the first policy instance is generated using the first license policy type and a first user specific parameter and the second policy instance is generated using the second policy type and a second user specific parameter (usage, time etc, fig 1, col 9, 50-67), wherein the first user specific parameter and the second user specific parameter are associated with the same user (recited elements in the are

only data elements, none of the limitation is functional, fig 1, col 9, lines 50-

67, usage, time etc.);

a license manager configured to generate a token using the following

steps (col 8, line57 – col 9, lines 1-9):

creating a first sub-token using the first policy instance (license server

creates a access token and sends expiry time, col 10, lines 33 –57 col 8,

line57 – col 9, lines 1-9; sub token is interpreted as data elements as it is

defined in specification " server 50, Monday 1 hour", page 10);

creating a second sub-token using the second policy instance (license

server creates a access token and sends expiry time, col 10, lines 33 –57 col

8, line57 – col 9, lines 1-9; sub token is interpreted as data elements as it is

defined in specification " server 50, Monday 1 hour", page 10); and

combining the first sub-token and the second sub-token to generate

the token (license server creates a access token and sends expiry time, col

10, lines 33 –57 col 8, line57 – col 9, lines 1-9; sub token is interpreted as

data elements as it is defined in specification " server 50, Monday 1 hour",

page 10),

wherein the token enables the user to access one of said plurality of

resources (col 9, lines-28); and

a token monitor configured to initiate and terminate access to said one

of said plurality of resources according to said token, wherein the token

monitor is located on said application server. (the App server and the

monitor server col 9, lines 9-34).

7.   As per claim 11, The claim is rejected for the same reasons as claim 1,

above. In addition, Patel discloses

creating a first policy instance and a second policy instance, wherein

the first policy instance is created using a first license policy type and a first

user specific parameter and the second policy instance is created using a

second policy type and second user specific parameter (col 9, lines 50-67),

wherein the first user specific parameter and the second specific

parameter are associated with the same user (col 8, line 58 – col 9, line 29,

lines 50-67);

verifying the first policy instance and the second policy instance by a

license mange (subscription serve4 , col 8 lines 42-56); and

generating a token by said license manger (Access token, col 8, lines

57-67),

wherein the token enables the same user to access said resource, and

wherein the token is generated by (license server creates a access token and

sends expiry time, col 10, lines 33 –57 col 8, line57 – col 9, lines 1-9; sub

token is interpreted as data elements as it is defined in specification " server

50, Monday 1 hour", page 10);

creating a first sub-token using the first policy instance (license server creates a access token and sends expiry time, col 10, lines 33 –57 col 8, line57 – col 9, lines 1-9; sub token is interpreted as data elements as it is defined in specification " server 50, Monday 1 hour", page 10),

creating a second sub-token using the second policy instance (license server creates a access token and sends expiry time, col 10, lines 33 –57 col 8, line57 – col 9, lines 1-9; sub token is interpreted as data elements as it is defined in specification " server 50, Monday 1 hour", page 10), and

combining the first sub-token and the second sub-token to generate the token (license server creates a access token and sends expiry time, col 10, lines 33 –57 col 8, line57 – col 9, lines 1-9; sub token is interpreted as data elements as it is defined in specification " server 50, Monday 1 hour", page 10).

8.   As per claim 5, Patel discloses the token monitor comprises a criteria evaluator, wherein the criteria evaluator is configured to notify the token monitor when the first sub-token expires (col 9, lines 29-34; col 10, lines 33-46).

9.   As per claim 6, Patel discloses the criteria evaluator is configured to use a calendar to determine whether the first sub-token has expired (expiry

condition must be evaluated by looking at the calendar, col 8, lines 57-67;

col 9, lines 1-9; lines 29-34).

10.   As per claim 7 Patel discloses the criteria evaluator is configured to use

a counter to determine whether the first sub-token has expired (expiry

condition must be calculated by the time counter, col 8, lines 57-67; col 9,

lines 1-9; lines 29-34).

11.   As per claim 8, Patel discloses the criteria evaluator is configured to

use a timer to determine whether the first sub-token has expired (col 8,

lines 57-67; col 9, lines 1-9; lines 29-34).

12.   As per claims 9 and 14, Patel discloses a secondary access database

configured to generate a third sub-token using a third policy instance,

wherein the third sub-token is created after the first sub-token has expired

and the third sub-token enables the same user to access said one of said

plurality of resources (renew, col 9, lines 29-34; col 10, lines 33-46).

13.   As per claim 10, Patel discloses wherein a notification to create a new

policy instance is sent to the client after the first sub-token has expired

(when to ask for the new token, col 9, lines 1-9; col 10, lines 33-46).

14.   As per claim 15, Patel discloses wherein the license manager allows

access to the resource for a period of time and the token only access to the

resource for a portion of the period of time (Access token, col 8, lines 33-67;

col 9, lines 1-9, lines 42-67, when to ask for new token).

15.   As per claim 16, Patel discloses generating a new token when the

portion of the period of time expires and additional time from in the period

of time remains (Access token, col 8, lines 33-67; col 9, lines 1-9, lines 42-

67, when to ask for new token).

16.   As per claim 17, Patel discloses notifying the user (col 54, lines 12-18)

when the first sub-token expires (Access token, col 8, lines 33-67; col 9,

lines 1-9, lines 42-67, when to ask for new token); and

        renewing by the user, the first sub-token (Access token, col 8, lines

33-67; col 9, lines 1-35, lines 42-67;col 10, lines 33-46).

17.   As per claim 19, Patel discloses monitoring the first sub-token by a

token monitor associated with the resource (Access token, col 8, lines 33-

67; col 9, lines 1-35, lines 42-67); and

terminating access to the resource when at least one selected from the group consisting of the first sub-token and the second sub-token expires (Access token, col 8, lines 33-67; col 9, lines 1-35, lines 42-67).

20. As per claims 20 and 22, Patel discloses wherein the first policy type is one selected from the group consisting of by user, by usage, by client, by time, by date, and by resource (license server creates a access token and sends expiry time, col 10, lines 33 –57 col 8, line57 – col 9, lines 1-9).

21. As per claim 21, Patel discloses the token monitor is further configured to attempt to renew the first sub-token after the first sub-token expires (col 8, lines 33-67; col 9, lines 1-35, lines 42-67;col 10, lines 33-46).

Response to Arguments

18.   Applicant's arguments filed 03/28/2006 have been fully considered but they are not persuasive, therefore rejections to claims 1, 5-11, 14-17, and 19-22 is maintained.

19.   In the remarks applicants argued that:

Argument: Patel does not disclose how the access token is generated, in

particular Patel is completely silent with respect to generating a token using

license policy types policy instance, and sub token and managing resources

using the sub token.

Response: Patel discloses how the access token is generated (license server

sends the Access token, col 8, lines 56-67). Further Patel disclose generating

a token using license policy types policy instance, and sub token and

managing resources using the sub token (license server creates a access

token and sends expiry time, col 10, lines 33 –57 col 8, line57 – col 9, lines

1-9; sub token is interpreted as data elements as it is defined in

specification " server 50, Monday 1 hour", page 10).

Conclusion

20.   Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. `Accordingly, **THIS ACTION IS MADE**

FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to

expire THREE MONTHS from the mailing date of this action. In the event a

first reply is filed within TWO MONTHS of the mailing date of this final action

and the advisory action is not mailed until after the end of the THREE-

MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained

from the Patent Application Information Retrieval (PAIR) system. Status

information for published applications may be obtained from either Private

PAIR or Public PAIR. Status information for unpublished applications is

available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center

(EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

MAS

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100